

REMARKS/ARGUMENTS

Claim 34 was previously pending.

Claim 34 is amended.

New claims 37-40 are added.

No claims are canceled.

Claims 34 and 37-40 are currently pending.

Statement of Substance Of**Applicant Initiated Examiner Interview of August 31, 2005**

An Examiner Interview was held by telephone on August 31, 2005. Examiner Michael Roswell and Applicant's counsel Mark Farrell of Lee & Hayes, pllc attended. Mark Farrell had faxed form PTOL-413a with suggested amendments to claim 34 to the Patent Office. Pending claim 34 was discussed. No agreement was reached on claim 34. Amendments proposed to claim 34 by Mark Farrell were considered sufficient to modify the Examiner's scope of reconsideration, and Examiner suggested an RCE.

(End of Statement of Substance of the Interview)

Rejection under 35 USC § 112 first paragraph

An Advisory Action mailed from the Patent Office on June 20, 2005 indicates that Applicant's response of May 31, 2005 has overcome the 35 USC § 112 first paragraph rejection of claim 34.

Rejection Under 35 USC 103(a)

Claim 34 was rejected under 35 USC 103(a) as being unpatentable over "WinAmp2" and "Skin" as cited in previous Office Actions.

Applicant respectfully disagrees with Examiner's interpretation of the term-of-art "embedded computing element" as set forth in the Advisory Action of June 20, 2005 (i.e., "...a personal computer ... uses 'embedded computing elements'"), however, Applicant removes the language from the claim for clarity and to streamline prosecution.

Claim 34 as amended defines:

one or more computer storage media containing instructions that, when included in an application executed by a computing system provide and manage a generic interface between a generic data source and a displayed list of items from the generic data source, a configuration and an appearance of the displayed list being determined by selections from an original equipment manufacturer OEM graphical user interface GUI software, wherein the instructions perform the following steps:

receiving the selections from the OEM GUI software to determine the configuration and the appearance of the displayed list;

accessing the generic data source that contains one or more of the items;

populating the displayed list with the items from the generic data source according to one or more scrolling events received;

wherein the OEM GUI software is configured independently of the one or more media; and

1 wherein the instructions are executable on different computing platforms
2 and in different applications to provide the displayed list.
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6 Neither WinAmp2 or Skin, alone or in combination, teach or suggest all the
7 elements of Applicant's claim 34, including a generic body of instructions that can
8 be added to various applications across various platforms to provide a generic
9 standardized interface between a database and a display of items of the database
10 according to a custom display configuration and appearance.

11 Since neither WinAmp2 nor Skin, alone or in combination, teach all the
12 elements of Applicant's claim 34, the combination fails, and claim 34 should be
13 allowable.
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17 New Claims 37 -40

18 Claims 37-39 are added to claim the subject matter as a system.

19 Claim 40 is added to claim the subject matter in means-plus-function
20 language.
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Conclusion

Applicant respectfully suggests that claims 34 and 37-40 are in condition for allowance. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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By: 

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